MSUA
MOBILE SATELLITE USERS ASSOCIATION

1350 Beverly Road, Suite 115, #341
McLean, VA 22101-3633, USA
Telephone/Fax +1 410 827-9268
msua@msua.org • www.msua.org

EX PARTE OR LATE FILED

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January 11, 2005

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ATC Rulemaking, IB Docket No. 01-185
Applications of Mobile Satellite Ventures Subsidiary LLC
File No. SAT-MOD-20031118-00333
File No. SAT-AMD-20031118-00332
File No. SES-MOD-20031118-01879
***Ex parte presentation***

Dear Chairman Powell:

The Mobile Satellite Users Association (MSUA) is writing to express its concerns about issues raised in two related proceedings: (i) reconsideration of the Commission's Order authorizing "ATC" as an extension of Mobile Satellite Service (MSS) networks, and (ii) the Commission's review of the first authorization to implement ATC.

MSUA's purpose is to promote the interests of users of mobile satellite communications worldwide. It fosters effective communication among MSS users, suppliers of equipment and services, operators of the satellite systems, and the various governmental entities that may affect the future of the industry.

MUSA urges the Commission to ensure that MSS services in the L-Band remain protected from ATC interference, and to preserve the ability to deploy new and innovative MSS services in all parts of the United States, urban, suburban and rural, now and in the future.

ATC is, of course, an experiment. And no one has identified a way to fully prevent ATC from generating interference into MSS mobile terminals or MSS spacecraft. Thus, it is essential that the Commission's maintain its current ATC rules to constrain ATC interference into MSS services. Moreover, it is critical that the Commission maintain its current policies that (i) deviations from its ATC rules will be allowed only if it is demonstrated that the deviations will not increase ATC interference into MSS, (ii) ATC in the L-Band is to be phased

in to allow time to study its real world effects, and (iii) if ATC does cause interference into MSS service, an ATC operator must immediately modify or discontinue its operations. There are two main reasons these protections and policies must be maintained.

First, the continued reliability of MSS services is essential to the safety and security-related communications of many federal, state and local governmental agencies. MSS service is relied on for these purposes because the satellite system is independent of the terrestrial and cellular communications networks that may be unavailable or overwhelmed in an emergency. MSS-based safety and security-related communications simply cannot be at risk of ATC interference in the time of an emergency, when police, firefighters and other rescue personnel need reliable communications the most.

Second, we are just beginning to realize the potential for MSS to support broadband service across America, in urban, suburban, and rural areas alike. MSS networks soon will be launched that will support transmission rates competitive with planned 3G networks, as well as new types of land mobile, aeronautical, and maritime MSS services. MSS broadband services will support the extension of corporate communications networks, as well as facilitate the provision of high quality live video feeds and news gathering in urban areas. They also will provide the opportunity to augment the congested air traffic control system in the U.S., and offer communications services to the general aviation industry. Broadband MSS thus provides the only opportunity to provide "always-on" broadband services to airplanes, land mobile, and maritime users, regardless of their location.

The full potential of MSS broadband services can come to fruition only if the Commission looks forward, and develops ATC rules and policies that protect the future, rather than simply protecting past MSS technology. For these reasons, it is critical that MSS land mobile, aeronautical and maritime terminals be protected from interference whenever they are operated in the vicinity of ATC base stations, and regardless where that base station is located.

ATC should not be allowed to constrain the continued deployment of MSS throughout the United States. Ubiquitous service is a hallmark of MSS, and MSS subscribers therefore expect that their terminals will work anywhere they need them to work. The Commission should not require MSS service providers to make advance showings in order to protect their operations in the vicinity of an ATC base station.

These proceedings raise very important policy issues and we urge the Commission to give them its fullest attention and protect MSS service as described above.

An original and seven copies of this letter are enclosed.

Respectfully submitted,

The Mobile Satellite Users Association

By: George W. Zachmann
Chairman

cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
Ed Thomas, Chief, Office of Engineering and Technology
Donald Abelson, Chief, International Bureau
Marlene Dortch, Secretary